

Remarks

This amendment is being submitted in response to the Office Action mailed November 25, 2008. Therefore being filed concurrently herewith is a two-month extension of time, thereby extending the due date up to and including April 25, 2009.

Applicants note that in paragraphs 2 and 3, the Examiner has issued a non-statutory double-patenting rejection. Since this is a provisional rejection, Applicants will not deal with this rejection in detail at this time. However, Applicants would like to point out that the allowance of claims in this patent application could not be for the purpose of an unjustified or improper timewise extension of a patent right. It should be noted that the presently filed application was filed prior to application number 11/668,768. Accordingly, if a double-patenting rejection is proper, which Applicants submit it is not, the double-patenting rejection should be issued in the other Office Action.

Still further, while not addressing in detail, it will be seen that the claims in the present application are not obvious in light of the cited claims in application number 11/668,768. Further, Applicants would like to bring to the attention of the Examiner that claims 1 and 3 of the '768 application, have now been cancelled.

Claims 1-3 and 11-13 were rejected under 35 U.S.C. 102(e) as being unpatentable over the Harrold application with support from the Harrold et al. patent.

Applicants respectfully traverse this rejection. Applicants would like to point out the method of the present claimed invention. Briefly, a substrate is extruded at a first temperature and allowed to cool at a second temperature. Then a bead of material is extruded onto the substrate. A flow path is formed from the bead of material that has been placed on a substrate. The combination of the bead of material that has been formed into a flow path, on top of the substrate, forms a continuous strip member. A hose is then extruded and the continuous strip member is operatively connected to the hose.

The Harrold '634 patent describes a completely different process. There, in stations A, B and C, the strip 12 or outer tube is formed. Then at station D, a bead of material is extruded to form the secondary flow paths on a "form wheel" (as opposed to on a substrate). Then in

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column 10, line 21, it notes that the continuous bead 186 on the form wheel is cooled and then added to strip 12. However, it is necessary that the strip 12 be reheated to attach the cooled bead 186.

In the Harrold application, a detailed description of the forming of the secondary flow path is not given. Instead, it refers to U.S. Patent No. 6,382,530. Applicants do not find any description in that patent of the forming of the secondary flow path on a substrate formed from a bead material (as with the present claimed invention). Quite possibly, it uses a similar process as previously described with respect to the Harrold '634 patent.

Therefore, Applicants submit that there is no process shown, described or suggested in the prior art which provides for the extrusion of a bead of material onto an extruded substrate and then forming the flow path on the extruded bead of material. More specifically, in referring to the Harrold patent at column 10, line 47, there is the use of a belt 198. The substrate of the present claimed invention acts as the equivalent of a belt 198 and therefore, the Applicants are able to eliminate this equipment.

Another way of viewing the prior art is that there is no forming of a flow path on a strip. It is formed on a form wheel. By forming the flow path on a substrate, the present application can proceed at a much faster speed than the prior art and also saves in secondary cooling and slitting operations. The substrate of the present claimed invention is what holds the continuous strip onto the forming wheel and does not utilize a belt 198 as in the prior art.

Applicants respectfully submit that all the independent claims, 1, 7, and 14 are not shown or described in the prior art and are therefore patentable. Accordingly, Applicants also submit that the dependent claims are therefore allowable for the reasons noted above.

Claims 4 and 14 have been rejected under 35 U.S.C. 103(a). The Examiner states that Harrold discloses a method where the second temperature of the substrate is cooled. However, it should be noted that the Applicants are cooling the substrate on which the secondary flow path is extruded. There is no equivalent substrate in the Harrold patent. Accordingly, Applicants submit that there can be no teaching or suggestion that the substrate of the present claimed invention be cooled to these temperatures is obvious.

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Still further, Applicants submit that with respect to claims 3 and 8, there is no teaching of a plurality of protrusions being formed for the purpose of enhancing heat transfer. Applicants respectfully request reconsideration and allowance of all the claims remaining in the application. If the Examiner has any questions, the Examiner is respectfully requested to call the undersigned at 612-331-7415.

Respectfully submitted,

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